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MPR 12 2006

In re Application of  
Charles A. Conrad  
Serial No.: 09/169,793  
Filed: October 9, 1998  
Attorney Docket No.: INGA,004

: PETITION DECISION

This is in response to the renewed petition under 37 CFR 1.181, filed November 21, 2005, requesting withdrawal of abandonment based on timely filing of a reply.

A review of the file history shows that the examiner mailed a Final Office action to applicant on March 8, 2002, setting a three month shortened statutory period for reply. Upon failure to receive a reply the application was held abandoned by Notice of Abandonment mailed October 1, 2003. Applicant states that a reply was submitted on June 7, 2002, which included RCE papers, a response to the Office action and all appropriate fees, and provide copies thereof with a properly executed Certificate of Mailing dated August 22, 2002. The Office appears to have never received these papers. Applicant also states that the Notice of Abandonment was never received due to failure to timely submit a change of address. It is noted also that applicant delayed over 15 months from the date of mailing of the Notice of Abandonment to the initial filing of this petition (apparently filed in December, 2004, but never received by the Office). The required Terminal Disclaimer has been filed and accepted. The term of the patent disclaimed due to applicant's delay in filing a grantable petition is 41 months.

The petition is **GRANTED**. The application is restored to pending status with the mailing of this decision.

**The application will be forwarded for conversion to IFW format and the RCE papers entered.**

Should there be any questions about this decision please contact William R. Dixon, Jr., by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0519 or by facsimile sent to the general Office facsimile number 571-273-8300.

George C. Elliott  
Director, Technology Center 1600